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**Re: HB 5297, An Act Concerning The Multiplicity Of Affecting Facilities In Certain Census Block Groups In The State**

Thanks to the committee for raising the EJ bill, HB 5297, which would create a process for improving environmental justice protections for communities like New Haven.

A decade ago I was on the steering committee of the New Haven Environmental Justice Network when the "Environmental Justice Law" (Public Act 08-94) was first enacted. I believe we were one of the first communities to take advantage of the law in 2010 when PSE&G wanted to add three new peak boilers at its Harbor Station power plant in what was, and remains, arguably the most environmentally overburdened census tract in the entire state of Connecticut. Thanks to the EJ statute we were able to ensure that no net increase in harmful air pollution would result from the Harbor Station expansion, we were able to negotiate a community benefits agreement that included \$500,000 for diesel filters on our garbage trucks and school buses and install an electrified pier in the highly polluting port area of New Haven.

But over time the law has become considerably less useful and many of its original infirmities have been exposed. Last year there was an effort by a major transfer station in the Annex neighborhood of New Haven to expand its operations and start handling putrescible waste despite an agreement with the New Haven Solid Waste Authority that the private waste hauling company would never seek such an expansion. The facility's expansion was permitted, essentially rubber stamped by DEEP despite overwhelming community opposition because the transfer station is not considered an "affecting facility" under the EJ law, and the broader lack of authority in the EJ statute or any other statutes to consider cumulative impacts of environmental hazards in the area, which already suffers from the environmental and health impacts of a 500 MW power plant, a sewage sludge incinerator, the port of New Haven which is used by oil tankers burning bunker fuel, gas pipelines, multiple transfer stations, chemical plants, cement batching facilities, and two interstate highways -- all within the same census tract. I ask you to imagine what it would be like if all these 'weapons of mass contamination' were present in your community.

One of the problems here is the definition of "EJ community" in CGS Section 22a-20a, which was always a flawed definition but has become even more flawed in the 15 years since the law was passed. This definition has little to do with EJ as it is commonly understood. When I want to identify an EJ community, I go on the website of EPA region 1 and use their EJ Screening and mapping tool, which tells me how many superfund sites, Title V air permits, underground storage tanks, number of poor air quality days, are occurring in that zip code. I'm not going to use a DECD list of distressed municipalities. I'm sure that is useful in many contexts but not for identifying EJ communities.

Under the current definition New Haven is not considered an "EJ community" in its totality but East Haven and Stratford are. Some individual census tracts in New Haven qualify but not included for example is a major public housing complex in New Haven located next to a highway and a superfund site and where 25% of the kids have asthma. (This particular project was actually the subject of a major environmental justice campaign in the mid 2000s to have a sound and pollution barrier installed between residents' homes and the highway.)

I know that the committee is currently considering some other bills, such as SB4, that use the "EJ communities" definition to determine where to target subsidies for e-bikes and electric school buses. I think that highlights the importance of re-examining the definition and getting it right. In addition to creating a process for recommended improvements through the Connecticut Equity and Environmental Justice Advisory Council (CEEJAC), the bill should attempt to immediately fix the definition of "Environmental Justice Communities" because this definition itself is in part what will determine the composition of CEEJAC.

Re-defining EJ communities to take into account a variety of factors including the existing cumulative impacts of polluting facilities is going in the right direction, but it gets you only part of the way there. Many more changes are needed. The EJ law passed in New Jersey in 2020 uses a more appropriate definition of EJ communities, allows consideration of cumulative impacts in permitting, covers a wider range of affecting facilities including (for example) transfer stations and "regionally significant" transportation projects, establishes more robust community notification and public participation protocols than the ones currently stipulated in PA 08-94, and is a constructive point of departure for updating our EJ law.

I hope that the new CEEJAC advisory board will include members from New Haven and will help DEEP come up with recommendations to fix this statute that has the potential to greatly benefit communities like New Haven but only if it is done carefully and conscientiously – with, for and by the communities actually being most affected.